

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, JANUARY 9, 2002
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
19925 TWENTY-THREE MILE ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
NORMAN J. SNAY, CLERK
MARIE E. MALBURG, TREASURER

TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
KENNETH MEERSCHAERT, JR.
CHARLES OLIVER

Also in attendance Colleen O'Connor, Township Attorney
James Van Tiflin, Spalding DeDecker & Associates
(Attendance record on file with Clerk.)

ABSENT: NONE

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Clerk SNAY called roll. All present

2. PLEDGE OF ALLEGIANCE

Clerk SNAY introduced to the Board and audience, Jimmy Globke from Boy Scout Troop 149 who was in attendance to earn his Citizenship in the Community Merit Badge.

3. APPROVAL OF AGENDA ITEMS.

Additions:

Supervisors Comments:

26a. Pay Certificate regarding the New Town Hall.

26b. Building Departments request to send Building Inspectors to Continual Education Conference.

Executive Session:

30a. Macomb Township v Cubba, et al

MOTION by BUCCI seconded by OLIVER to approve agenda as amended.

MOTION carried.

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4. APPROVAL OF BILLS.

MOTION by DUNN seconded by BUCCI to authorize payment of bills as submitted.

MOTION carried.

5. APPROVAL OF MEETING MINUTES

MOTION by DUNN seconded by MEERSCHAERT to approve minutes of December 26, 2001 as amended.

MOTION carried.

6. Public Comments (Non Agenda items only – 3 minutes time limit)

Public discussion was held regarding monitoring wells on the SMDA Landfill site.

Board discussion was held regarding the site and the providing of additional information of the monitoring wells.

PUBLIC HEARING:

7. Request to Adopt Resolution; Special Assessment District Street Lighting; Fairways of Macomb Subdivision Phase I.

Public Hearing began at 7:05 p.m.

Supervisor BRENNAN reviewed the cost estimate submitted by Detroit Edison which stated the financial obligations of the developer and homeowners. Mr. Brennan included that the developer had prepaid the contribution costs.

Petitioner Present: None

MOTION by MEERSCHAERT seconded by OLIVER to close the Public Hearing at 7:07 p.m.

MOTION carried.

MOTION by MEERSCHAERT seconded by MALBURG to grant the request and adopt the Resolution to create the Special Assessment District; Street Lighting for The Fairways of Macomb Subdivision Phase I.

SAD, Street Lighting The Fairways of Macomb Phase 1

RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT

MACOMB TOWNSHIP BOARD MEETING MINUTES
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Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **January 9, 2002**, at 7:00 P.M., Eastern Daylight Savings Time.

PRESENT: John D. Brennan, Norman J. Snay, Marie E. Malburg, Dino F. Bucci, Jr., Charlie Oliver, Janet Dunn,
Kenneth Meerschaert, Jr.
ABSENT: None.

The following preamble and resolution were offered by Member MEERSCHAERT and supported by Member MALBURG.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at The Fairways of Macomb Subdivision Phase 1, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$25,555.43, together with the first annual electrical service charge in the amount of \$8,071.92, the Township's at-large contribution is \$-0-.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: MEERSCHART, MALBURG, BUCCI, DUNN, OLIVER, SNAY, BRENNAN
NAYS: NONE
ABSENT: NONE

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RESOLUTION DECLARED ADOPTED.

NORMAN J. SNAY
MACOMB TOWNSHIP CLERK

MOTION carried.

PLANNING COMMISSION:

8. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located west of Romeo Plank Road ¼ mile north of 25 Mile Road; Section 06; Cvetko and Duka Janevski, Petitioner. Permanent Parcel No. 08-06-200-041.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to approve the rezoning.

Public Portion: None

MOTION by MEERSCHAERT seconded by OLIVER to grant the rezoning of Permanent Parcel No. 08-06-200-041 from Agricultural (AG) to Residential Urban One Family (R-1).

MOTION carried.

9. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located 330 feet north of 21 Mile Road and approximately 120 feet east of Rockwood Drive; Section 28. Rocco Galati, Petitioner. Permanent Parcel No. 08-28-376-005 (part of).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to approve the rezoning.

Petitioner Present: Nancy Kolinski

Public Portion: None

MOTION by DUNN seconded by MALBURG to grant the rezoning of Permanent Parcel No. 08-28-376-005 (part of) from Agricultural (AG) to Residential Urban One Family (R-1) as requested.

MOTION carried.

10. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located south of 24 Mile Road and ¼ mile east of future Luchtman Road; Section 16. Joseph VanHaverbeck, Petitioner. Permanent Parcel No. 08-16-200-009, 08-16-200-010 and 08-16-200-011.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to approve the rezoning.

Petitioner Present: Bob Lindh of Urban Land Consultants

Public Portion: None

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MOTION by OLIVER seconded by MEERSCHAERT to grant the Rezoning of Permanent Parcel No. 08-16-200-009, 08-16-200-010 and 08-16-200-011 from Agricultural (AG) to Residential Urban One Family (R-1).

MOTION carried.

11. Final Plat; Koss Farms Subdivision; (171 lots); Located on the south side of 23 Mile Road and approximately 4300 feet east of Romeo Plank Road; Section 21. AEW, Petitioner. Permanent Parcel No. 08-21-200-013.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision, surrounding property and stated the recommendation of the Planning Commission to approve the plat contingent upon the fulfilling of the standard conditions.

Petitioner Present: Craig Duckwitz of AEW

Public Portion: None

MOTION by DUNN seconded by MALBURG to grant Final Plat to Koss Farms Subdivision and direct the Clerk to sign the mylar.

MOTION carried.

12. Final Plat; Winding Creek Subdivision; (265 lots); Located south of 26 Mile Road and ¼ mile west of Luchtman Road; Section 5. Atwell-Hicks, Inc., Petitioner. Permanent Parcel No. 08-05-200-002.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision, surrounding property and stated the recommendation of the Planning Commission to approve the plat contingent upon the fulfilling of the standard conditions.

Petitioner Present: Dan LeClair of Atwell-Hicks, Inc.

Public Portion: None

MOTION by DUNN seconded by MALBURG to grant Final Plat to Winding Creek Subdivision and direct the Clerk to sign the mylar.

MOTION carried.

13. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located north of 25 Mile Road and approximately 700 feet west of Broughton Road; Section 4. Elro Corporation, Petitioner. Permanent Parcel No. 08-04-400-028. (Tabled from the meeting of September 18, 2001).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to approve the rezoning. Mr.

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Lynden included that variances had been granted by the Zoning Board of Appeals in regards to the proposed rezoning.

Petitioner Present: Dan Spatafora of Elro Corporation

Board discussion was held regarding the dimensions of the parcel requesting rezoning.

Public discussion was held in regards to the drainage of the property.

Board discussion was held regarding property located to the north of the parcel requesting rezoning.

MOTION by MEERSCHARET seconded by OLIVER to grant the Rezoning of Permanent Parcel No. 08-04-400-028 from Agricultural (AG) to Residential Urban One Family (R-1).

MOTION carried.

14. Rezoning Request; Agricultural (AG) to Residential Urban One Family (R-1); Located north of 25 Mile Road and approximately 1100 feet west of Broughton Road; Section 4. Elro Corporation, Petitioner. Permanent Parcel No. 08-04-400-026. (Tabled from the meeting of September 18, 2001).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning, surrounding property and stated the recommendation of the Planning Commission to approve the rezoning.

Petitioner Present: Dan Spatafora of Elro Corporation

Public discussion was held in regards to maintaining horses on abutting agricultural property.

MOTION by OLIVER seconded by MALBURG to grant the Rezoning of Permanent Parcel No. 08-04-400-026 from Agricultural (AG) to Residential Urban One Family (R-1).

MOTION carried.

15. Preliminary Plan Review; Hidden Meadows Site Condominiums; (46 sites); Located north of 21 Mile Road and approximately 238 feet east of Card Road; Section 26. Casa Demar Development, LLC, Petitioner. Permanent Parcel No. 08-26-351-013.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed site, surrounding property and stated the recommendation of the Planning Commission to approve the plan for one year contingent upon the fulfilling of the standard conditions and the posting of a \$15,950.00 landscape bond.

Petitioner Present: Bill Thompson of Lehner & Associates

Public Portion: None

MOTION by DUNN seconded by BUCCI to approve the Preliminary Plan Review for Hidden Meadows Site Condominiums for the period of one (1) year contingent upon the fulfilling of the standard conditions and the posting of a \$15, 950.00 Landscape bond.

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MOTION carried.

16. Extension of Time; Urban Meadows Subdivision; Located west of the GTWRR and approximately 415 feet north of Hall Road; Section 36. Permanent Parcel No. 08-36-376-001.

Mr. Bernard Lynden, Planning Consultant, reviewed the request and stated the recommendation of the Planning Commission to approve the extension to expire February 15, 2003.

Petitioner Present: Bill Thompson of Lehner & Associates

Public Portion: None

MOTION by OLIVER seconded by MALBURG to grant the extension of time; Tentative Preliminary Plat for Urban Meadows Subdivision to expire February 15, 2003.

MOTION carried.

17. Extension of Time; Emerald Green Subdivision; Located west of Luchtman Road and ¼ mile south of 26 Mile Road; Section 5. Permanent Parcel No. 08-05-200-004.

Mr. Bernard Lynden, Planning Consultant, reviewed the request and stated the recommendation of the Planning Commission to approve the extension to expire February 15, 2003.

Petitioner Present: Bill Thompson of Lehner & Associates

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant the extension of time; Tentative Preliminary Plat for Emerald Green Subdivision to expire February 15, 2003.

MOTION carried.

NEW BUSINESS:

18. Variance Request from Chapter 14; Engineering Design and Construction Standards; Nextel Telecommunications Facility; Located approximately 600 feet south of 22 Mile Road and west of Card Road; Section 27. Permanent Parcel No. 08-27-200-024.

Bernard Lynden, Planning Consultant, reviewed the request and stated that the matter required variances being granted from the Zoning Board of Appeals and the Township Board for numerous issues. Mr. Lynden further reviewed the details of the variances requested.

Board discussion was held regarding variances being requested; width of roads, curbs, surface of the road and the pedestrian pathway requirement.

Public Portion: None

Clerk SNAY stated that an elementary school is located within walking distance of the site in question.

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MOTION by DUNN seconded by SNAY to follow the recommendation of the Planning Consultants and grant variances for the width of the driveway from 28' to 20', to eliminate the paving of the road, to eliminate the concrete curb and gutter, to waive the requirements of enclosing the storm system for drainage and to deny the request to waive the pedestrian pathway.

MOTION carried.

19. Request for Subdivision Model Permits; Madison Manor Condominiums.

Supervisor BRENNAN stated the departments had reviewed the request and were recommending approval but that only one building which contains numerous units can be approved for permits.

Petitioner Present: Sam LoChirco

Public Portion: None

MOTION by OLIVER seconded by MALBURG to grant the request for five (5) Model Permits within Building No.1, of the Madison Manor Condominium development.

MOTION carried.

20. Request to Change Subdivision Model Permit Lot Numbers; Winding Creek Subdivision.

Supervisor BRENNAN stated the departments had reviewed the request and were recommending approval.

Petitioner Present: Mark Avripas of Pulte Homes

Public Portion: None

MOTION by DUNN seconded by MALBURG to approve the request to switch the model permit approval from Lot #6 and replace it with Lot #168 within the Winding Creek Subdivision.

MOTION carried.

21. Adoption of Eagle Scout Resolution.

Clerk SNAY reviewed the Resolution recognizing the dedication and commitment of Matthew A. Simon on his elevation to Eagle Scout.

MOTION by MEERSCHAERT seconded by OLIVER to grant the request and adopt the Resolution in recognition of Matthew A. Simon to Eagle Scout.

MOTION carried.

Resolution Honoring
Eagle Scout

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Matthew A. Simon

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan held in the Township Hall in said township on the 9th day of January 2002 at 7:00 PM the following preamble and resolution were offered by member Meerschaert and supported by member Oliver.

Whereas, Matthew A. Simon started his scouting career as a Tiger Scout in 1994 during which time he received his Arrow of Light: and,

Whereas, Matthew A. Simon continued his scouting career with Boy Scout Troop 146 where he has distinguished himself by earning twenty-two merit badges: and,

Whereas, Matthew A. Simon has served as Assistant Patrol Leader, Assistant Senior Patrol Leader and presently serves as Troop Guide: and,

Whereas, Matthew A. Simon is an Honor Student at Trinity Lutheran School and by his own actions and high moral standards has made himself a role model to other scouts and his peers.

Now Therefore Be It Resolved, by the Board of Trustees of the Township of Macomb, County of Macomb, Michigan speaking on behalf of all Macomb Township Citizens as follows:

That By These Presents, the Macomb Township Trustees recognizes the dedication, commitment and personal sacrifices Matthew A. Simon has made to obtain the rank of Eagle Scout.

Be It Furthers Resolved, that the Macomb Township Board of Trustees hereby commends and publicly extends its congratulations to Matthew A. Simon on his elevation to Eagle Scout and furthers extends it best wishes to Matthew in his future endeavors.

Now Therefore, the Macomb Township Board of Trustees hereby proclaims,

Sunday January 27th 2002

**Matthew A. Simon Day
in
Macomb Township**

FOR THIS RESOLUTION: Supervisor John Brennan, Clerk Norman Snay, Treasurer Marie Malburg, Trustees Kenneth Meerschaert Jr., Janet Dunn, Charles Oliver, Dino Bucci Jr.

Norman J. Snay, Clerk
Township of Macomb

PARKS AND RECREATION DEPARTMENT:

22. Request to Approve the selection of a Construction Manager/General Contractor for the Community Recreation Center.

Martin Piepenbrok, Parks and Recreation Director, briefly reviewed the request and introduced Susan Pratt & Keith Hayes of Barker, Rinker & Seacat Architecture to the Board and audience.

Mr. Hayes reviewed the recent interview process and introduced the firm of Etkin Skanska of Farmington Hills as the recommendation of the interview panel.

Public Portion: None

MOTION by DUNN seconded by BUCCI to enter into the agreement with Etkin Skanska of Farmington Hills as the Construction Manager/General Contractor for the Community Recreation Center.

MOTION carried.

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FIRE DEPARTMENT:

23. Request Approval to Attend the 2002 Fire Department Instructor's Conference.

Raymond Ahonen, Fire Chief, reviewed the request and stated his enthusiasm in its attendance.

Public Portion: None

MOTION by OLIVER seconded by DUNN to grant the attendance of Chief Ahonen and Assistant Chief Meerschaert to the 2002 Fire Department Instructors Conference in Indiana for the estimated cost of two thousand three hundred seventy dollars and 20/100 (\$2,370.00).

MOTION carried.

24. Request Approval to send four Department Members to Medical First Responder Training.

Raymond Ahonen, Fire Chief, reviewed the request and stated the training is being offered by Richmond Lenox EMS and its attendance is required by state law.

Public Portion: None

MOTION by DUNN seconded by MALBURG to grant the request to send four (4) Department Members to the Medical First Responder Training for the anticipated cost of two hundred fifty dollars and 00/100 (\$250.00) per attendee.

MOTION carried.

WATER/SEWER DEPARTMENT:

25. Approval of Purchase Requisition:
a. Kennedy Industries
b. SLC Meter Service

David Koss/Water Sewer Superintendent, reviewed the purchase requisitions and stated his recommendation to approve.

Public Portion: None

MOTION by OLIVER seconded by BUCCI to authorize the payment of the purchase requisition to Kennedy Industries for the total amount of one thousand two hundred seventy five dollars and 00/100 (\$1,275.00) and to SLC Meter Service for the total amount of seven thousand nine hundred two dollars and 18/100 (\$7,902.18).

MOTION carried.

BOARD COMMENTS:

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26. Supervisor's Comments
26a. Pay Certificate – New Town Center

Deleted

- 26b. Building Department request for Building Inspectors to attend the Officials Spring Conference.

Bob Beckett, Building Official, reviewed the request and stated the conference is required for inspectors in order to maintain certification/licensing.

Public Portion: None

MOTION by MEERSCHAERT seconded by MALBURG to authorize the attendance of five (5) Building Inspectors to attend the Building Officials Spring Conference of Michigan for the total cost of two thousand one hundred seventy five dollars and 00/100 (\$2,175.00) plus meals and mileage.

MOTION carried.

27. Clerk's Comments
a. Discussion regarding a Revised Township Seal.

Clerk SNAY reviewed the request and stated that the matter was before the Board for discussion only. Clerk SNAY stated that the seal being reviewed is the official seal used for sealing documentation only from the Townships Clerk's Department.

Michael Koehs, Deputy Clerk, reviewed the symbolic design of the proposed seal and stated that there are three other communities within the United States named Macomb and that the new seal would identify and locate Macomb Township with the County and State.

Board discussion was held regarding the proposed seal the difference between the seal (document impression) and the current Township Emblem.

Public Portion: None

MOTION by DUNN seconded by BUCCI to not change anything at this time until further ideas are presented.

MOTION carried.

28. Treasurer's Comments

None

29. Trustee's Comments

Trustee OLIVER inquired about a sidewalk (abeyance) for the McDonalds located on Gratiot Avenue.

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MOTION by MEERSCHAERT seconded by DUNN to adjourn into Executive Session at 8:10 P.M.

MOTION carried.

Meeting reconvened at 8:20 p.m.

EXECUTIVE SESSION:

30. Land Acquisition

MOTION by DUNN seconded by MALBURG to reject the offer.

MOTION carried.

30a. Macomb Township v Cubba, et al

MOTION by MALBURG seconded by DUNN to authorize the Township Attorney to dismiss this matter without prejudice of this lawsuit.

MOTION carried.

ADJOURNMENT

MOTION by OLIVER seconded by MEERSCHARET to adjourn the meeting at 8:21 P.M.

MOTION carried.

John D. Brennan, Supervisor

Norm J. Snay, Clerk

Eva M. Mayer, Recording Secretary

EMM